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Clerk, U.S. Courts
District Of Montana
Billings Division

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

MONTANA ENVIRONMENTAL
INFORMATION CENTER, INDIAN
PEOPLE'S ACTION, 350
MONTANA, SIERRA CLUB,
WILDEARTH GUARDIANS,

Plaintiffs,

vs.

DAVID BERNHARDT, et al.,

Defendants,

and

WESTMORELAND ROSEBUD
MINING LLC,

Intervenor.

Case No. 1:19-cv-00130-SPW-TJC

**INTERNATIONAL UNION OF
OPERATING ENGINEERS,
LOCAL 400'S MOTION TO
INTERVENE**

Pursuant to Federal Rule of Civil Procedure 24(a)(2), the International Union of Operating Engineers, Local 400 (the “Union”), respectfully moves to intervene as a Defendant in the above captioned case in support of the Federal Defendants and Westmoreland Rosebud Mining LLC (“Westmoreland”). Alternatively, the Union seeks permissive intervention under Federal Rule of Civil Procedure 24(b) should the Court find the Union has not satisfied the requirements for intervention as of right.

This Motion is supported by the accompanying brief in support. The Union seeks leave to intervene to assert the claims and defenses set forth in the proposed Answer attached as Exhibit 1; however, the Union proposes to file joint briefs with Westmoreland throughout the proceedings.

A proposed order granting this Motion is attached for this Court’s convenience as Exhibit 2. The Union’s Corporate Disclosure Statement is attached as Exhibit 3.

Pursuant to Local Rule 7.1(c)(1), counsel for the Union has contacted counsel for Federal Defendants and Montana Environmental Information Center, Indian People’s Action, 350 Montana, Sierra Club, and WildEarth Guardians (collectively, “Plaintiffs”). Federal Defendants take no position on this motion; Plaintiffs will oppose the motion.

Accordingly, the Union respectfully requests that the Court grant its Motion to Intervene.

Dated this 16th day of September, 2020.

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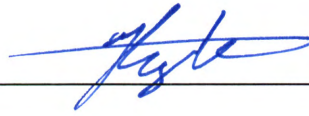
CERTIFICATE OF SERVICE

I hereby certify that, on September 16, 2020, a copy of the foregoing document was served on the following persons by the following means:

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